

REMARKS

Claims 5 and 8 have been amended to correct typographical errors. Since these amendments only correct formal matters, prompt entry thereof is requested.

In response to the Amended Brief on Appeal filed herein on February 16, 2006, the Examiner issued an Official Action dated "05/31/2006" which purports to withdraw the final rejection on appeal and substitute therefor a series of new (non-final) rejections relying on previously uncited art and totally new legal theories. Although the record is devoid of any required authorization for the foregoing, it is assumed that such authorization has been duly obtained and the new rejections lawfully approved.

Claims 1-8, all the claims pending in this application, have been rejected under 35 USC 103(a) as obvious in view of various combinations of newly cited references. Reconsideration is respectfully requested.

Claims 1 and 6-8 now stand rejected under 35 USC 103(a) as obvious in view of Redman 1,631,504 considered with Chandler 6,152,832, the Examiner alleging:

"It is unclear if Redman discloses the vertical center of mass lying within the preferred length of the striking area. Chandler, III discloses a putter having a putter head and a shaft with grip wherein the vertical center of mass lies within the preferred length of the striking area being that the center of mass of the putter head would naturally occur at the center of the putterhead and that the handle of the shaft is substantially aligned therewith (See Entire Document). One having ordinary skill in the art would have found it obvious to have the vertical center of mass within the preferred striking area, as taught by Chandler, III, in order to reduce twisting and to promote natural pendulum movement of the arm."

The rejection is respectfully traversed.

Claims 1 and 6-8 define a putter which comprises a putter head having a defined "preferred striking area approximately centrally located on said striking face" and a shaft extending from the top face of the putter "at an angle of from about 8° to about 25° from vertical" with the shaft positioned so that "the vertical center of mass of

the...[entire putter, including head and shaft]...lies within the horizontal length of said preferred striking area.”

Redman discloses a club head supported on a shaft which is attached to the toe end (instead of the center or heel end) of the head. The club is structurally arranged with “the center of gravity of the head and shaft at a point within the head proper and between the outer end of the striking face and the player” (see Col. 1, lines 38-40).

The Examiner’s admission that “It is unclear if Redman discloses the vertical center of mass lying within the preferred length of the striking area” is a less than candid appraisal of Redman. Redman does not even describe (or recognize) a “preferred striking area” or disclose any limitation which would locate the center of mass within such a preferred striking area. Instead, Redman requires the “center of gravity” to be “between the outer end of the striking face and the player...” Even if Redman’s term “center of gravity” is considered the equivalent of “vertical center of mass” (which assumption is certainly not supported by the disclosure of Redman), nothing in Redman discloses or suggests that the components of the putter must be arranged so that the *vertical center of mass* of the entire putter lies within the horizontal length of the preferred striking area.

To provide the apparent deficiencies of Redman, the Examiner attempts to combine the disclosure of Chandler, alleging that the one-handed croquet-style putter of Chandler inherently positions the center of mass of the entire putter within the preferred striking area because the Chandler shaft projects vertically from the horizontal center of the putter head face.

Assuming that the vertical displacement of the Chandler shaft results in positioning the vertical center of mass within the (undefined) preferred striking area of the putter head face, this structure alone precludes combining the disclosure of

Chandler with the disclosure of Redman to support an obviousness rejection under §103. All of Applicant's claims specifically require that the shaft extend from the putter head top surface at an angle of from about 8° to about 25° from vertical. Chandler specifically requires the shaft to extend vertically above the geometric center of the putter head. Therefore, it would be impossible to combine any structure or teaching found in Chandler with the disclosure of Redman to produce a putter in which the shaft extends from the putter head at an angle of from about 8° to about 25° and in which the vertical center of mass of the *entire putter* (including shaft and grip) lies within the preferred striking area. Accordingly, the rejection of Claims 1 and 6-8 as unpatentable over Redman in view of Chandler is clearly unsupportable and must be withdrawn.

The Examiner's comments regarding Claim 7 and 8 appear to be directed toward the top face marker limitations set forth therein. It should first be noted that Claims 7 and 8 are dependent from Claim 6 and thus include all the limitations of Claim 6. Since Claim 6 has been shown to be patentable over the combination of Redman and Chandler as set forth above, these dependent claims are patentable over the same references for the same reasons. Furthermore, the statements:

“Regarding claim 7, Redman discloses a marker on the top face. Chandler, III also shows a marker on the top face in which the marker appears to be aligned with the center of mass of the putter (See Figures 1 and 2).”

appear to have little relevance to the claimed subject matter. Claim 7 requires a marker which *identifies* the horizontal center of mass of the putter. As noted above (and as recognized by the Examiner), neither Redman nor Chandler identify, discuss or even recognize the horizontal center of mass of the putter (including head, shaft and grip) as claimed.

Claims 1-4, 6 and 7 now stand rejected under 35 USC 103(a) as obvious in view of Benedict 4,063,733 considered with Chandler, the Examiner alleging that it would be obvious to combine the teachings of Chandler with the disclosure of Benedict to produce a putter as defined by Applicant's claims. The rejection is respectfully traversed.

Benedict discloses a putter in which the shaft mounting "is offset forward of the center of gravity in an amount such that the force couple created by accelerating the club head is approximately equal and opposite to the inertia force couple due to the club head rotation." It appears, therefore, that Benedict attempts to address the potential yaw problem solved by Applicant's invention by inducing a counteractive rotational force. Applicant, on the other hand, eliminates the potential yaw problem by placing the *vertical center of mass* within the horizontal length of the preferred striking area of the putter face. While Benedict and Applicant recognize and address the same problem, they disclose different solutions using totally different structures. Benedict merely offsets the mounting position of the shaft. As noted by the Examiner, Benedict does not disclose a putter with its vertical center of mass lying within the preferred length of the striking area as required by Applicant's claims.

In an attempt to supply the admitted deficiencies of Benedict, the Examiner again relies on the one-hand croquet-style putter of Chandler. However, as pointed out above, the teachings of Chandler require the shaft to be *vertically disposed*. All Applicant's claims require the shaft to extend from the top face of the putter head *at an angle* of about 8° to about 25° from vertical. It would be impossible, therefore, to use the vertical shaft teachings of Chandler in combination with the teachings of Benedict to create a putter in which the vertical center of mass of the entire putter lies within the horizontal length of the preferred striking area of the face with the shaft extending from

the top of the putter head at an angle of about 8° to about 25° from vertical. Accordingly, the rejection of Claims 1-4, 6 and 7 as obvious in view of Benedict considered with Chandler as wholly inapposite and must be withdrawn.

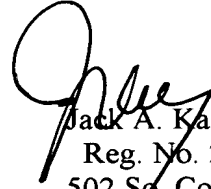
Claims 5 and 8 now stand rejected under 35 USC 103(a) as obvious in view of Benedict considered with Chandler and Redman. The rejection is respectfully traversed.

Claim 5 is dependent from Claim 4 which is dependent from Claim 3 which is dependent from Claim 2 which is dependent from Claim 1. Therefore, Claim 5 includes all the limitations of Claims 1-4. As pointed out above (and as recognized by the Examiner), neither Redman nor Benedict, considered alone or in any combination, disclose or describe a putter with a defined “preferred striking area” wherein the vertical center of mass “lies within the horizontal length of the “preferred striking area.” The Examiner’s attempt to combine Chandler with either or both the primary references cannot be supported under 35 USC 103 because, as discussed above, the centrally positioned vertically extending shaft of Chandler cannot produce a shaft which extends “at an angle of from about 8° to about 25° from vertical” as specifically required in each of Applicant’s claims. Since no combination of any of the references cited can produce the specific structure defined, or any of the results produced by the specific structure defined, no combination of the references cited can be used to support a rejection of any of Claims 1-8.

Since each of Claims 1-8 has been shown to be patentable over the references cited thereagainst, all as set forth above, it is respectfully requested that Claims 1-8 be allowed and the case passed to issue. An early action to that effect is earnestly solicited.

In the event a telephone conference could resolve any outstanding issue, a call to the undersigned is invited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jack A. Kanz', written over the printed name.

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August 31, 2006

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